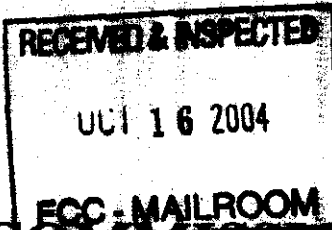


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**UNITED STATES
FEDERAL COMMUNICATIONS COMMISSION**



In Re Applications of:

SAN FRANCISCO UNIFIED
SCHOOL DISTRICT

STATION KALW (FM)
For Renewal of License

MB DOCKET No.: 04-191

File No.: EB-04-IH-0270

INTERVIEW OF JASON LOPEZ

Volume: 2

Pages: 60 through 196

Place: San Francisco, CA

Date: September 27, 2004

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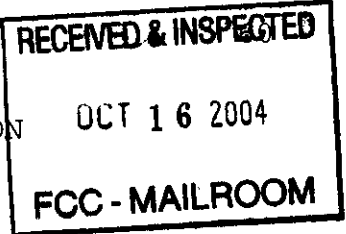
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



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For Renewal of License)	

Suite 200
Renne, Sloan, Holtzman & Sakai
188 The Embarcadero
San Francisco, CA

Monday,
September 27, 2004

The parties met, pursuant to the notice of the
Judge, at 1:00 p.m.

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I N D E X

<u>WITNESSES:</u>	<u>PAGE</u>
JASON LOPEZ	
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Testimony Began: 1:00 p.m.

Testimony Ended: 5:44 p.m.

1 P R O C E E D I N G S

2 MR. SHOOK: Mr. Court Reporter, would you swear in
3 the witness please?

4 COURT REPORTER: I can. Please raise your right
5 hand sir.
6 Whereupon,

7 JASON LOPEZ
8 was called as a witness herein and, having been duly sworn,
9 was examined and testified as follows:

10 E X A M I N A T I O N

11 BY MR. SHOOK:

12 Q Could you state your name please?

13 A Jason Lopez.

14 Q And your current address?

15 A 284 Van Buren Avenue, Oakland, California 94610.

16 Q How long have you been at that address?

17 A Since March of 2002.

18 Q What was your address before that time?

19 A I lived in Larkspur, I don't quite remember the
20 name, the number, but it was on Piedmont Avenue, I believe
21 it was, in Larkspur, California.

22 Q For what period of time?

23 A Only for about six months.

24 Q And then before that?

25 A Before that, 390 Euclid, number one, in Oakland,

1 right around the corner from where I live right now, and I
2 was there for about two years.

3 Q From about when to about when?

4 A From 1996 to 2001, something like that.

5 Q And before that?

6 A And before that I was at 1410 Horton Street, in
7 Emeryville.

8 Q For about what period of time?

9 A From 1994 to 1996, roughly those dates.

10 Q And could you briefly describe your educational
11 background post college, or excuse me, post high school?

12 A Post high school, okay. Went to Kansas State
13 University for my undergraduate from 1978 to 1983. Went to
14 graduate school, I didn't finish but I went to graduate
15 school at the University of Kansas for two years after that
16 until 1985, 1986, and I've taken some classes here and there
17 at schools wherever I've lived.

18 Q What was your college major?

19 A Broadcasting.

20 Q And what was the course of study that you were
21 taking in graduate school?

22 A It was film, film studies.

23 Q What is your current occupation?

24 A I'm a reporter, producer, radio producer.

25 Q For what station or stations?

1 A I'm a freelancer so I work for a variety of
2 organizations. I've worked for National Public Radio,
3 Marketplace for Minnesota Public Radio, I've done reports
4 for Latino USA. I've done reports for the Nightly Business
5 Report for television. I've done some TV. I also do
6 writing, I work for Newsfactor.com, so I do tech and
7 business writing every day. And I do writing for the East
8 Bay Business Times as well, a print publication. So, it's
9 typical freelance reporter, I take the work within my little
10 scope, anything that I can get.

11 Q For what you have just described, approximately
12 how long have you been doing that?

13 A As a freelancer?

14 Q Yes, sir.

15 A Since -- well, on and off throughout my career but
16 this particular string has been since -- excuse me, I'm
17 sorry about that (cell phone interruption) -- this string,
18 let's see, I got laid off from, I was morning anchor for a
19 business station, KBZS AM and that went off the air, let's
20 see, the dot com boom, the bubble burst -- see, I'm familiar
21 with when Microsoft was indicted, that was April 4th, and we
22 were like two months later after all the advertising started
23 to crash, so the year after that exactly, so it was 2001.
24 So, since 2001 I've been doing this.

25 Q And what were you doing before 2001?

1 A For about two and a half years I was the morning
2 anchor on KBZS AM, which was a news and tech, business news
3 and tech station, and that was located here in San
4 Francisco.

5 Q Was that a full time job?

6 A Yes. And before that I worked in film. I did
7 film sound and film production from 1994 through the KBZS
8 job.

9 Q Do you currently have any relationship whatsoever
10 with KALW FM in San Francisco?

11 A Yes.

12 Q What relationship is that?

13 A I do a volunteer program for them, and it's a one
14 hour a week program, it's on Friday nights. Well, it's not
15 on this quarter, it's off the air for a quarter but, I've
16 been invited to come back in the Spring, or in January.

17 Q What program is this?

18 A It's called Don Giovanni Overdrive, it's new
19 music, new classical music and that sort of thing.

20 Q How long has that program been going on at KALW?

21 A Since, I believe, 1999.

22 Q Did you have any relationship with KALW before
23 1999?

24 A Yes. I was a part time announcer.

25 Q What year, what period of time are we talking

1 about?

2 A From, I believe, 1993 through about 1999,
3 somewhere in there. And I had an opportunity, I started to
4 work for other organizations, I worked for KGO Radio here in
5 town, and for some other radio, commercial radio operations,
6 and I decided to let my re-upping of my Civil Service lapse,
7 lapse somewhere in that time frame, it was after filing the
8 petition that it lapsed.

9 Q What significance is there to the lapsing of the
10 Civil Service position with respect to KALW?

11 A Oh, then technically I'm no longer employable by
12 KALW, so, it was in a sense kind of like quitting I guess,
13 to let that lapse.

14 Q There was something that you had to affirmatively
15 do in order to maintain your status?

16 A Yeah, I believe to stay on the list that would be
17 filed with the Civil Service.

18 Q Do you know what it was that you had to do?

19 A I think all I had to do was either sign a paper or
20 tell one of the people at KALW, the managers or Bill
21 Helgeson perhaps, that I wanted to be on the list.

22 Q Was there any particular reason why you chose not
23 to take that step?

24 A Because I was getting lots of work and I didn't
25 have time to work at KALW, they didn't pay as much as these

1 other jobs.

2 Q Now, during your period of when you worked at
3 KALW, could you describe in a little bit more detail what it
4 was that you did when you were there?

5 A I was an on air announcer and I played programs
6 that were on tape and would announce the top and bottom of
7 the hour, I guess if there was an available space at the
8 bottom of the hour to do it but, I would just announce legal
9 I.D.s and promo announcements and that sort of thing.

10 Q For what period of time, in other words, let me
11 rephrase that, how many days per week or per month would you
12 work at KALW when this was going on?

13 A Maybe one or two days a week. I had a regular
14 shift on the weekends, I believe it was on Sunday. So, I
15 would work for sure once a week in a shift, and that worked
16 around my film schedule.

17 Q Then in addition to Sunday, would there be any
18 other days of the week that you would ordinarily work?

19 A Yes, we're called as needed and so as needed if
20 they would call me and ask me if I'd be available for, you
21 know, someone is going on vacation or something like that.

22 Q So, this period in 1993 to 1999 generally you
23 would have one day a week that you would come in and work at
24 the station and then any other days would be when you were
25 called in?

1 A Right, right. It may have been more than one day
2 a week that I was scheduled, but I know for sure I was
3 schedule on Sundays.

4 Q Now, could you identify for us who your
5 supervisors were while you were working at KALW?

6 A When I originally was hired there, Jerry Jacob was
7 the General Manager. And there really weren't any other
8 supervisors, it was all just the General Manager in charge
9 of everybody, there were no Program Director or anything
10 like that, no middle management. And after Jerry Jacob then
11 was, I believe, Rose Levinson, and then after Rose Levinson
12 was I think Bill Helgeson was the interim General Manager
13 for awhile, and then Jeff Ramirez. And after Jeff left, I
14 believe Bill Helgeson was again the interim General Manager.
15 And then after that I think Michael Johnson was hired. And
16 I think it was about, maybe just before that time or just
17 after that time, I think it may have been before Michael
18 Johnson was hired, that I let my Civil Service lapse. So,
19 he may not have been my supervisor up to that point.

20 Q To the extent though that you continued to perform
21 any kind of work at KALW in a volunteer capacity --

22 A Oh, in a volunteer capacity, yes.

23 Q -- who have your supervisors been?

24 A Michael Johnson, then after Michael Johnson, I'm
25 not sure, because in my volunteer role all I did was

1 basically drop off a tape and so I didn't have any, I didn't
2 have that kind of contact like supervisor to subordinate
3 kind of contact. It was just, you know --

4 Q By dropping off a tape you would just physically
5 walk into the building and hand somebody a tape?

6 A Yeah, and that's it, yeah, and then I would walk
7 out. So, I don't, I guess the reason I'm saying that is
8 because I don't know if there was an interim between Michael
9 Johnson and Nicole Savoya, but Nicole Savoya now would be
10 considered my supervisor.

11 Q Did there come a time when you become involved
12 with an organization called Golden Gate Public Radio?

13 A Yes.

14 Q And could you tell us approximately when that
15 happened?

16 A The idea for that had been -- that had germinated
17 in the mid nineties as a way for people who were working at
18 the radio station to try to pool their resources together to
19 create programming, maybe a national programming.

20 Q And when you say radio station, you mean KALW?
21 You used the term 'radio station' and I'm asking whether in
22 that context you meant KALW as opposed to some other radio
23 station?

24 A Oh, I think to produce them for any radio station,
25 to produce programming that we could sell. There were a

1 number of programs at KALW that we thought were really good
2 shows that could get promoted outside of the radio station.
3 And so one of the things, one of the ideas that we had was
4 to create this non-profit so that we could go get funding,
5 because quite frankly the radio station was too disorganized
6 to take up any of this kind of initiative. So, what we
7 wanted to do was take some of the programs that we had
8 created at KALW and also programs that people -- there was
9 one called Jazz Rhythm, for example, and other shows like
10 that, that we thought could be distributed nationally. And
11 then we had some ideas for programs as well. So, that's why
12 it got created.

13 When we incorporated, I don't remember. I think
14 it may have been in the Fall of 1996, or in the Winter of
15 1996.

16 Q I could show you some documents which would
17 clarify that, and I will at some point.

18 A Okay.

19 Q I was just checking for your general recollection
20 at this point in time. Now, was there any other purpose as
21 to, you know, why Golden Gate Public Radio came into being?

22 A Well, one of the things that we had been thinking
23 about for a long time was creating this group to not only
24 create these formal programs but also, after the KALW task
25 force had been created and then just shelved immediately

1 afterwards, after its report, never heard anything of it
2 again, that it was a very powerful document, the KALW task
3 force document, we felt that there may have been a
4 disconnect between the current management at the time, Jerry
5 Jacob, and then onto Rose Levinson I guess. And between
6 them and the School Board, I personally heard Mr. Jacob
7 complain vulgarly about the Board of Education. So, I knew
8 that there was a problem between management and the board.
9 And we thought that this task force was just absolutely
10 terrific, and the stuff they came up with was just amazing.
11 And we wanted to get in front of the School Board the ideals
12 of the task force. And one of the ideas that we had was to
13 go ahead and incorporate GGPR and in a sense offer GGPR
14 saying, look, you know, the School Board takes forever to
15 get things done, we got it done, here's a great proposal,
16 you probably don't know a lot about these things because
17 there's apparent enmity between management and the board, so
18 let's bridge this gap and let's talk to a couple of people
19 on the board who probably aren't even aware they even have a
20 radio station, or maybe that's hyperbole but, not very aware
21 of what the radio station is even doing. And maybe we can
22 create, maybe we can do something now and create a nexus
23 between these various ideas and people that really want to
24 get something done, and fire up the board. And so we
25 created GGPR specifically to, in a sense say, here's your

1 501(c)(3) and you can now fulfill the task force very easily
2 with this 501(c)(3), and all you have to do are just a few
3 steps now to get this stuff done. It was a blueprint based
4 on the task force and everything is ready to go. So, that's
5 how that went.

6 Q When you referred to the task force, what is it
7 that you're talking about, what is this task force, who was
8 on this task force?

9 A This task force was made up of a number of people
10 who were stake holders in the community of KALW. I believe
11 a couple of people that I talked to quite frequently, in the
12 process of creating GGPR, not creating it but in the process
13 of actually filing to incorporate it, were Peter Meesley and
14 Luis Lowenstein, both of them were very supportive of the
15 idea, both of them were very surprised that the KALW task
16 force report was just tossed in the trash, basically. Who
17 else was on that? Marcos Gutierrez was on there, he was a
18 broadcaster with Radio Sol, a Hispanic broadcasting, Spanish
19 language broadcasting in town, commercial. Who else was on
20 that thing? Oh, Lynne Chadwick was on that, she was with, I
21 think Western Public Radio or a pretty important group,
22 maybe NFCB, maybe that's what she was with, National
23 Federation of Community Broadcasters. And I can't think of
24 who else was on it.

25 But, what they did was, they assessed problems at

1 the radio station, they came up with several that were very
2 serious. Their basic finding was that the radio station was
3 adrift and it was not being governed well at all. And that
4 serious problems could ensue in the future if the Board of
5 Education did not recognize these problems and do something
6 about them. And that would be to change the governance
7 structure of the radio station so that there was a closer
8 guidance between the board and the radio station, instead of
9 having it just willy nilly.

10 Q I'm going to show you a document that bears a date
11 of February 17, 1998, and it bears an FCC mail room stamp of
12 February 18, 1998, and ask if you can identify that document
13 please?

14 A Okay. Well, this is our reply to SFUSD's
15 opposition.

16 Q And there's a signature on the bottom of the first
17 page?

18 A Yeah, that's my signature.

19 Q All right. Now, contained in that document as
20 it's labeled Exhibit E, and apparently there is a first page
21 that I don't have here, could you tell us what Exhibit E,
22 which apparently has 19 pages, is?

23 A Yes. This is the KALW Task Force Report. And now
24 I do remember Alexandra Kudick (phonetic), who was the
25 consultant that presented it to the staff. She was hired to

1 organize it.

2 Q And the basic idea behind this task force report
3 was what?

4 A Again, to identify the problems of KALW, which
5 were apparent by the disorganization and a lot of
6 employee/management strife, and to come up with remedies for
7 those problems.

8 Q And what understanding did you have as to whether
9 any of the recommendations made by the task force were
10 implemented?

11 A Say again?

12 Q What understanding did you have as to whether or
13 not any of the recommendations made by the task force were
14 implemented?

15 A None of them were implemented, to my knowledge.

16 Q And did that in turn have any impact on the
17 formation of Golden Gate Public Radio?

18 A Yes. I think one of the major things in here,
19 because I just took a look at this again, one of the major
20 statements in this thing, it's a pretty serious indictment
21 about just the state of the station at the time -- well, I
22 don't know where it is in here but --

23 Q You can take your time.

24 A Okay. Oh, over the years as the duties --

25 Q Tell you what, before you start reading, let

1 everybody know where you're reading from?

2 A Okay. This is Exhibit E, page six of 19.

3 Q And which paragraph are you looking at?

4 A The bottom paragraph. It says, 'Over the years as
5 the duties of overseeing the SFUSD system have become more
6 complex, the Board of Education has been left with little of
7 the time and energy needed to govern KALW, as a result, no
8 matter how well meaning and conscientious the commissioners
9 of the board are, they have neither the time nor the
10 expertise to ensure that the education or educational public
11 broadcasting missions of KALW become reality.'

12 Q And you agreed with that statement?

13 A Yeah, I would definitely agree with that
14 statement.

15 Q Now, did that statement though have really more of
16 a connection with the School Board and how the School Board
17 was dealing with the station, as opposed to the immediate
18 station management?

19 A I think the problem is that the School Board, at
20 the time the School Board was being headed by Bill Rojas.

21 Q Also known as Baldermere?

22 A Baldimeir, yeah.

23 Q I'm sure I butchered the pronunciation.

24 A But Bill Rojas later on, as it came out in the
25 papers, Bill Rojas was never actually himself directly

1 involved in any graft or any corruption going on at KALW,
2 although in the press there is a, you know, insinuation that
3 he was sort of the ringleader of the whole thing and
4 overseeing all this stuff. And so one of the things that I
5 think was happening at the radio station was that the people
6 in charge, who I believe one of them is Enrico Placios,
7 Enrique Palacios, excuse me, people were being hired to run
8 the radio station who knew nothing about public radio. Rose
9 Levinson, as far as I know, had no radio experience
10 whatsoever, had no management experience whatsoever. Jerry
11 Jacob had no public radio experience and had been a salesman
12 in television before that. From what I know, Jeff Ramirez
13 had no experience as a manager before, and had not actually
14 been a broadcaster per se. I think he had been a sales
15 person before that.

16 So, you know, in a market like San Francisco, the
17 number four market in the country, it's just obvious to me
18 that to not -- to hire people from the hip, who don't have
19 any experience, to run a major radio station, to me was a
20 serious disconnect between the board and its management.

21 Q What's so significant about whether a person has
22 public radio experience, why does that matter?

23 A Well, I would say radio experience. I did not --
24 Jerry Jacob perhaps had it, but I did not see any evidence
25 that -- I mean there's a, I mean since the 1920s, not to

1 lecture anybody on history but, since the twenties there
2 have been pretty much only a few tried and true models of
3 how radio stations are best run. That generally is
4 comprised of a General Manager, and then middle managers who
5 run various aspects of the broadcast operation. You'd have
6 a Program Director who is in charge of the announcers, and
7 is in charge of what goes on the air. You have engineering
8 in charge of the equipment and making sure that things
9 comply with FCC rules. You have a sales department,
10 underwriting, whatever you want to call it, who are in
11 charge of the fund raising for the radio station. And if
12 it's even bigger, then you might have a music department
13 with a Music Director who is in charge of the record library
14 and, you know, the archive and that sort of thing. And it
15 did not seem to me that, having been a General Manager
16 before, and a Program Director, I did not see any evidence
17 that anybody was moving toward that model.

18 Q Could you stop a second?

19 A Sure.

20 Q Were you suggesting that at one time you were a
21 General Manager of a radio station someplace?

22 A Yes.

23 Q And when and where?

24 A I was a General Manager of KTPR in Fort Dodge,
25 Iowa, from 1989 through 1993. I was a Program Director at

1 KRWG FM in Los Cruces, New Mexico, from October of 1987
2 through December -- 1988 through December of -- I'm trying
3 to get my dates right here -- they all are back to back.
4 Let's see, I started there in 1989, so that must have been
5 1988 to 1989. And then before that I was a Program Director
6 at WSHU in Connecticut from 1985 through 1988.

7 Q Were any of those stations that you just mentioned
8 public radio stations?

9 A They're all public radio stations.

10 Q So, at one time for a number of years you were a
11 General Manager of a public radio station?

12 A Yeah.

13 Q I had asked you earlier about some dates relative
14 to the formation of Golden Gate Public Radio, and I'm
15 showing you a document that is in the February 17, 1998 GGPR
16 reply to SFUSD's opposition to Petition to Deny. And a
17 document that is labeled Exhibit A, which follows a
18 declaration from Deirdre Kennedy is marked as Exhibit A,
19 pages one of three. Could you tell us what that document
20 represents?

21 A Oh, this is the Articles of Incorporation, I
22 believe.

23 Q And the date on it?

24 A Date is May 27, 1997.

25 Q Now, who was involved in the formation of Golden

1 Gate Public Radio?

2 A Me, Mel Baker, Deirdre Kennedy, she actually came
3 on a little bit later in terms of the formation of the
4 entity Golden Gate Public Radio, and Dave Evans, who was the
5 Chief Engineer.

6 Q Now, with respect to Mr. Evans, is he still alive?

7 A No.

8 Q And could you relate the circumstances and timing
9 of his death?

10 A He died very -- things happened so quickly. He
11 was killed on a street where he was delivering some mail, or
12 a bill I guess, like a phone bill, and was running, ran
13 around his car, it was right at twilight and some people had
14 their headlights on, some people didn't, and he ran around
15 his car and right into oncoming traffic to get in his car
16 and he was thrown on the hood.

17 Q Did you actually witness this event or you were
18 told about it?

19 A No, I was told about it.

20 Q And after Mr. Evans was struck, approximately how
21 long did he live?

22 A I think maybe about four or five months, I don't
23 quite remember how long.

24 Q And did he ever -- did he go to the hospital after
25 being struck?

1 A Yes. He went to San Francisco General.

2 Q And did he stay there until his death or did he
3 come home?

4 A No. He went from there to I believe a Kaiser
5 Permanente Hospital on the other side of town, off Geary,
6 and Geary and Pierce or something like that.

7 Q Did you ever go to visit Mr. Evans?

8 A Yeah, many times.

9 Q Was he able to speak?

10 A No, he wasn't. I think he recognized me but I
11 think that was about it.

12 Q He never regained all of his faculties after this
13 accident, so far as you know?

14 A No. In fact, they had to remove part of his brain
15 I believe, because he hit his head on the windshield and --

16 Q But that didn't help?

17 A Yeah.

18 Q All right. I'm going to show you another
19 document, it's fairly substantial, has many exhibits
20 attached to it, and it bears an FCC mail room stamp date of
21 November 3, 21997. Could you identify this document please?

22 A This is the Petition to Deny.

23 Q All right. I'm going to go to page 23 and there
24 are two signatures that appear there, could you identify the
25 signatures?

1 A Yes. The first one, the top one, is mine, and the
2 next one is Deirdre Kennedy's.

3 Q Just set that aside for a moment. If I were to
4 use the term 'Public Inspection File' could you briefly
5 describe for me what your understanding of that term is?

6 A It's a file maintained by a radio station as
7 required by the FCC, which is to give the public a
8 transparent view of certain thing that they have an interest
9 in regarding the operation of the radio station. So, people
10 would want to know who's in control of the radio station,
11 they would want to know who's funding certain programs,
12 they'd want to know, the public may want to know where
13 transmitters are located and how much power is being used
14 and when that power is at certain levels, you know, turned
15 up or down, that sort of thing. So, that would be my
16 understanding of it.

17 Q When you were General Manager of that Ft. Dodge
18 radio station, what responsibility, if any, did you have
19 with respect to that station's Public Inspection File?

20 A It was my job to write the materials to go in the
21 Public File.

22 Q And by that you mean what?

23 A To create things like program lists, to make sure
24 that my underwriting director had donor lists to put in
25 there. I rearranged it from the previous General Manager

1 and did it according to the actual rule in the book, so
2 instead of just saying program list, I would list rule
3 whatever in the handbook and then actually taped the rule
4 itself on the outside of the folder and, you know, made sure
5 that things were going in there on a regular basis.

6 Q And so which report or which lists are you
7 referring to at this point?

8 A All sorts of lists, the donor file that we were to
9 keep, and those would include, you know, all the donors.
10 You know, you'd get reports from all your syndicated
11 programs, and their donors, and so those would go in there,
12 or locally sold underwriting for programs go in there. The
13 names and addresses of all the donors. The programs issues
14 list, which we would put together and put in there.

15 Q Now, how often would you do that?

16 A Quarterly. It was kind of an ongoing thing. What
17 we did was we set it up so that it was minimal work, I mean
18 it was less work than doing my taxes.

19 Q We all know what work is involved there.

20 A Maybe not now, maybe as a freelancer it would be
21 more work but, we had, we just would from time to time have
22 announcers be involved in, you know, identifying certain
23 things that we would run on the air, and it was pretty easy.
24 I mean it's not a hard thing to do to maintain it. If you
25 get behind then obviously you've got a lot to do.